

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

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| ISABELLA BERNAL, Individually and | § | |
| On Behalf of All Others Similarly | § | |
| Situated, | § | |
| | § | |
| Plaintiff, | § | |
| | § | Civil Action No. 1:23-CV-00471-DAE |
| v. | § | |
| | § | |
| BACKSLIDERS, LLC D/B/A SOUTH | § | |
| AUSTIN BEER GARDEN, DAVID B. | § | |
| PEARCE AND RYAN THOMAS, | § | |
| | § | |
| Defendants | § | |

JOINT STIPULATED MOTION FOR COURT-AUTHORIZED NOTICE

TO THE HONORABLE COURT:

The parties to this lawsuit (the “Parties”) have agreed that FLSA collective action notice to similarly situated workers should issue in this lawsuit in the form and manner stipulated herein, and, by this joint stipulated motion, seek the Court’s entry of an order authorizing such notice.

1. The Parties have stipulated to the expedited issuance of notice to a group of Backsliders, LLC d/b/a South Austin Beer Garden (“SABG”) employees and former employees (the “Putative Class Members”) defined as follows:

All current and former bartenders and barbacks employed by Backsliders, LLC dba “South Austin Beer Garden” for at least one week during the three-year period preceding the date this Order is signed and who were paid a direct cash wage of less than the minimum wage during such period.

2. The Parties have stipulated to the use of the form of the Notice and Consent to Join attached to this Motion as Exhibit 1, and to the delivery of the same to Putative Class Members via first class mail and/or electronic mail. The Parties have further stipulated that the Notice and Consent to Join form may be posted on a webpage solely dedicated to hosting the Notice of

Collective Action and Consent form attached as Exhibit 1, with such webpage offering Putative Class Members the option to electronically sign the Consent form. The Parties have further stipulated to the expedited issuance of notice by electronic mail to Putative Class Members using the form of the Email Notice attached to this Motion as Exhibit 2, and to the expedited issuance of notice to Putative Class Members by text message using the form of the Text Message Notice also attached to this Motion as Exhibit 2.

3. The Parties have stipulated that, prior to sending notice to any Putative Class Members, counsel for Plaintiff may contact Putative Class Members by telephone to verify mailing addresses or email addresses. However, the Parties have stipulated that under no circumstances may Plaintiff's counsel contact Putative Class Members by telephone after any of the notices have been sent to any Putative Class Members, except for those Putative Class Members who choose to join the collective action or who have initiated contact with Plaintiff's counsel.

4. The Parties have stipulated that, within 14 business days of the Court's entry of the order approving this stipulation, Defendants shall provide counsel for Plaintiff the following information regarding all Putative Class Members: full name; last known mailing address(es) with city, state, and Zip Code; all known email address(es); beginning date(s) of employment; ending date(s) of employment (if applicable); locations worked; and all known telephone number(s), with such information to be provided in Excel (.xlsx) format (the "Class Information").

5. The Parties have stipulated that, within 14 business days of Defendants providing the Class Information to Plaintiff's counsel, Plaintiff's counsel shall send the Notice and Consent to Join form attached to this Motion as Exhibit 1 to the Putative Class Members by first class mail and/or electronic mail. The Parties have further stipulated that Plaintiff's counsel may, during this same time period, send electronic mail to Putative Class Members using the form of the Email

Notice attached to this Motion as Exhibit 2, and may, during this same time period, send a text message to Putative Class Members using the form of the Text Message Notice attached to this Motion as Exhibit 2. The notices authorized by this paragraph are the “Court-Authorized Notices.”

6. The Parties have stipulated that Plaintiff’s counsel shall file an Advisory with the Court within three days following the date that the Court-Authorized Notices are sent (“Date of Notice”), and that such Advisory shall list the Date of Notice.

8. The Parties have stipulated that the Putative Class Members shall have 60 days following the Date of Notice to return their signed Consent to Join form (the “Notice Period”).

7. The Parties stipulate that Plaintiff’s counsel may, no sooner than 30 days following the Date of Notice, send reminder notices to Putative Class Members who have not yet responded to the Court-Authorized Notice by resending the Court-Authorized Notice and Consent to Join form attached as Exhibit 1 via first class mail or electronic mail and/or by sending the Email Notice form and Text Message Notice form attached to this Motion as Exhibit 2.

9. The Parties stipulate that Plaintiff’s counsel shall file all signed Consents to Join with the Court not late than 15 days following the close of the Notice Period.

The Parties respectfully request that the Court enter an order approving the terms of the Parties’ stipulation and approving the attached forms of Court-Authorized Notice.

Respectfully Submitted,

/s/ Aaron Charles de la Garza

Aaron Charles de la Garza

Attorney in Charge

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**ATTORNEYS FOR DEFENDANTS
BACKSLIDERS, LLC, DBA SOUTH
AUSTIN BEER GARDEN, RYAN THOMAS,
AND DAVID PEARCE**

CERTIFICATE OF SERVICE

I certify that on December 11, 2023, I filed on behalf of the Parties jointly the foregoing document with the Court and served all parties of record via ECF.

/s/ Douglas B. Welmaker

Douglas B. Welmaker